

HUBER HAS A POINT

His Attorney Objects to the Prosecutor Acting as Complainant

IN ANY CRIMINAL PROCEEDING

His Objections Set Forth, and the Law and Supreme Court Cited to Sustain Him--Decided Today.

The examination of Henry Huber for keeping his beer garden open on Sunday, in Justice Brown's court yesterday, attracted considerable attention. Fred A. Maynard, attorney for Mr. Huber, objected to testimony being taken and moved that the case be dismissed on the ground that the prosecuting attorney has no right to act as complainant witness in a case which he prosecutes. Mr. Maynard holds that the prosecuting attorney must be totally disinterested. He claims he is outside of his official place when he goes out of his way to secure evidence and work up a case against a man and then prosecute him. In support of his position he cited a decision of the supreme court which appears in the fifty-eighth volume of Michigan Reports at page 321. In this case "People vs. Quick," the prosecuting attorney, during his argument before the jury, stated in substance that he believed the respondent to be guilty. In the syllabus the court says, "A prosecuting attorney must be entirely impartial as between accuser and accused, and must act only in furtherance of justice, and he cannot be permitted to assert to the jury 'under the solemnity of his official oath' his belief in the guilt of a respondent."

Mr. Maynard then argued that in the case pending, the prosecuting attorney could not be impartial, because he had himself played the role of a detective for the very purpose of prosecuting these men.

In reply, Mr. Rodgers maintained that the prosecuting attorney had acted in good faith, and that there was nothing to warrant the assertion that he was likely to be impartial. He maintained that the prosecuting attorney had gone to the lake in his character as a private citizen. Over there he visited these saloons, still in his private character, and saw the owners openly violating the law. In this character he could swear out a complaint. As the prosecuting attorney, he could lodge an information and see that a warrant was issued and the offenders arrested. Prosecutor Rodgers contended that the two characters were compatible. He believed Mr. Wolcott would be remiss in his duty as a citizen and as an officer if he did not swear out the complaint which would start the machinery of law moving. He thought if preposterous to think Mr. Wolcott as a citizen should wink at a violation of the law because Mr. Wolcott happened at the time to be a prosecuting attorney.

Judge Brown will decide the point at 10 o'clock today.

Lee Kong Chung Goes Free.

Judge Stevens issued an order releasing Lee Kong Chung, the Chinese key arrested in Cadillac for being unlawfully in the United States. Chung was also to produce a certified copy of the records of the United States district court of the northern district of California, in which it had been decided that Chung was born in the United States and had been here a sufficient time to entitle him to remain. In the case of Sing Lee and Ching Jo, arrested in Peoria, a hearing was had on a writ of habeas corpus, and the case then taken under advisement.

Found in Charlevoix.

George Baker was arrested in Charlevoix by Deputy Sheriff Cowens yesterday on a charge of stealing an umbrella from the Bechtel house. Baker is charged with other thefts, but the simplest one against him was used in bringing him back. Mr. Cowens found Baker living in a board-ing house with Mrs. Baker, her son, his brother, wife. They passed for man and wife. Robert Baker who accompanied the officer, forgave his wife and remained at Charlevoix. It is said that Baker stole a suit of clothes and a watch from Henry Pulver.

For Cruelty to a Horse.

Charles Armstrong was arrested yesterday by Humane Agent Randolph for cruelty to a horse. Armstrong hired a horse from Soddy S. Farrel on West Bridge street at 6 o'clock Tuesday evening. At a late hour the horse was found hitched a short distance from the barn, and showed signs of having been over driven.

Court Notes.

Albert Welsh, charged with shooting John Kegel, in Caledonia, was re-arrested yesterday, and was arraigned before Justice Holcomb, when he waived extradition and was held for trial. Welsh escaped on the first trial owing to a mistake in the return.

COURT RECORDS.

United States District Court.
Judge Stevens--United States vs. George Benninger, order fixing bail at the sum of \$1,000.

Circuit Court.

Jerome Govee--The People vs. W. G. Saunders vs. Kenneth Hanna, quo warranto, injunction for defendant; Frank F. Carron vs. J. H. Hoskins and Henry Spring, complainant; judgment for defendant for costs.

Jerome Amherst--John H. Fisher vs. James Naysmith, trespass on trial.

Superior Court.

Jerome Burleson--The People vs. M. B. Kinn, violation of liquor law relative to druggists; verdict guilty. The People vs. Frank B. Donaldson, refusing to pay over money; trial set for today at 10 o'clock.

Probate Court.

Jerome Burleson--Estate Eliza E. Miner deceased; appraiser's warrant issued to Octavia French and Hubert Marry. Estate Trafton H. Ford, deceased; Dec. 11; assigned for having signed appraiser's warrant issued to Edward H. Downing and John S. Daniels. Estate Charles C. Stephenson, deceased July 13; assigned for having administrator's final account. Estate George W. Bauer et al., minors; letters of guardianship issued to Christina Bauer. Estate Jackson T. Homan, mentally incompetent; guardian's second account filed. Estate Eliza Estella Houghton, minor; order appointing guardian. Estate Paulina Joines, deceased; executor's fifth account filed. Estate Grace R. Weeden, minor; order appointing guardian. Estate Lydia R. Weeden, minor; letters of guardianship issued to Edmund Manly. Estate Michael Hay, minor; guardian's first account filed.

In the matter of John B. Parker, alleged mentally incompetent; order appointing Clark H. Gleason special guardian.

Police Court.
C. Meyers, fast driving, paid \$1.25. George Burgess, larceny, dismissed. Wm. Marsh, criminal slander, dismissed. Mable Mayo, larceny, committed for 90 days.

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Guarantee. If you do not get relief, we will refund to you the price paid. "Invalids' Guide to Health" free and Doctor's Manual of Practical Medicine free.

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At Drugstore, 60c, and \$1.00 Plus.

Dr. Kilmer's Parilla Liver Pills
ARE THE BEST! 42 Pills, 25 cents

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New Kendall Block, Opp. Soldiers' Monument. Office Hours--9 to 12 a. m., 2 to 3 p. m. Evenings by appointment. Sundays, 12 till 1. Telephone--At Office, 47; residence, 52.

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Great Offer

FOR THIS WEEK.

\$2.00 Boys a \$3.00 Shoe, this week at Ehrman's, 69 Canal street. Cloth top, lace or button shoes, nobby styles and pretty goods.

\$2.50 Buys a \$4.00 Shoe, this week, at Ehrman's, 69 Canal street; Rogers Bros. Fine Ladies hand-turned Shoes, square toes, laced or button, the finest fitting shoe in the city.

\$2.60 Buys a \$4.00 Shoe this week at Ehrman's, 69 Canal street. Gentlemen's fine Kangaroo Shoes, lace and congress, for style and comfort. Try a pair.

Elegant line of Russet Oxfords for ladies. We have Bluchers and Juliets. Our price this week, \$1.00, \$1.25 and \$1.50. Reduced from \$1.50, \$2.00 and \$2.50.

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EHRMAN'S SHOE HOUSE,

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P. S.--With every pair of \$2.50 Shoes we will give, free of charge, a bottle of Professor Tell's Corn Cure Remedy. Sure Cure for Corns.

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AT

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Thursday, Friday and Saturday.

It will be very difficult to pick the best items of this great offering for they are exceptionally noteworthy.

Tea Gowns and Suits.

Silk Henrietta, All Wool Challie Tea Gowns, in endless varieties, ranging in prices from \$8.00 to \$25.00, will be divided in two lots and will offer \$8.00 to \$10.00 Tea Gowns for \$5.00. \$12.50, \$15.00, \$18.00 and \$25.00 Wool or Silk Tea Gowns for \$10.00.

50 Eaton or Blazer Suits, All Wool Storm Serges and Novelty Materials, ranging in prices from \$18.00 to \$25.00, choice during this sale for \$5.95.

The Half-Off Sale on all Ladies and Children's Spring Cloaks will be continued during this week. Ladies in need of a Spring Cloak should not miss this grand offer.

Between the hours of 1:30 and 2:30 p. m., we will offer the Madame Warren Dress Form, and all High Bust Corsets at 50c each.

50 pairs of Nottingham Lace Curtains, in white or ecru, beautiful designs and extra size, the usual price \$2.75, for this sale \$1.25 a pair.

Domestics and Wash Goods.

34c a yard, New Challies, new designs, new colorings, fast colors.

5c a yard for all standard prints, new patterns, including indigo blue, worth up to 8c.

Special values in Infant's Wear. The only exclusive department in the city.

Shirt Waists in endless varieties, at 25c, 39c, 50c, 75c and \$1.00.

Sale commences at 8 a. m.

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WANTED—Experienced sales people. Only competent and hustlers need apply.